

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 20277
Koudai YOSHIZAWA, et al. : Confirmation Number: 2745
Application No.: 10/519,554 : Tech Center Art Unit: 1795
Filed: December 28, 2004 : Examiner: Thomas H. Parsons
For: POLYMER ELECTROLYTE FUEL CELL

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 6, 2008 of the Primary Examiner finally rejecting claims 1-21.

Appeal Fee: \$540.00

Not required (fee paid in prior appeal in this application).
 Charge to Deposit Account No. 500417.
 Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Bernard P. Codd

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Date: December 2, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**